

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 15, 2009**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Ferns, J. (Assigned), Miller, J. (Assigned) and S. Stahl, Deputy Clerk.

B211851     Smith  
                 v.  
                 Harris

Merits:

No appearance for respondent or appellant, argument waived. Cause submitted.

B209548     Tre Holdings, LLC et al.  
                 v.  
                 WMC Mortgage, LLC

Merits:

Argued by John Levine for appellant and by Francis Cunningham, III, LLC for respondent. Cause submitted.

B209686     Snedecor  
                 v.  
                 Workers Compensation Appeals Board  
                 Los Angeles Community College District, Respondent

Merits:

Argued by Adam D. Dombchik for petitioner and by John D. Bredfeldt for respondent. Cause submitted.

Chaney, J. leaves the bench.

July 15, 2009 (Continued)

## DIVISION ONE (continued)

B209987      City of Monrovia  
v.  
Buckner et al.

Merits:

Argued by Walter Hackett for appellant and by Patrick K. Bobko for respondent. Cause submitted.

Ferns, J. (Assigned) leaves the bench.

B204903      Agbasi  
v.  
County of Los Angeles, et al.

Merits:

Argued by Emmanuel C. Akudinobi for appellant and by Lucien A. Schmit, III for respondent County of Los Angeles and by Christian C.H. Counts for respondent Los Angeles County Office of Education. Cause submitted.

Court adjourned.

B204519 People (Not for Publication)  
v.  
Beatty

The appeal is dismissed.

Mallano, P.J.

We concur: Rothschild, J.  
Miller, J. (Assigned)

## DIVISION ONE (continued)

B205748 People (Not for Publication)  
v.  
Servin

The judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.  
Ferns, J. (Assigned)

B205719 People (Not for Publication)  
v.  
Raff

Because we find no error, there was no cumulative error. We order the sentence modified as follows: The sentence on count 1 is a two-year low term sentence for a violation of Penal Code section 211, plus 10 consecutive years under section 12022.53. Raff is to pay a \$20 security fee for each of his three convictions under section 1465.8, subdivision (a)(1). The trial court is directed to prepare an amended abstract of judgment and to forward it to the appropriate prison authorities. As so modified, the judgment is affirmed.

Ferns, J. (Assigned)

We concur:   Mallano, P.J.  
                      Rothschild, J.

B210823      Suarez      (Not for Publication)  
v.  
County of Los Angeles

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

July 15, 2009 (Continued)

## DIVISION ONE (continued)

B211083      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
E.M.

The order is affirmed.

Mallano, P.J.

We concur: Chaney, J.  
Ferns, (Assigned)

DIVISION TWO

B210373 People v. Gates (Not for Publication)

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The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B209617 People (Not for Publication)  
v.  
Green

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.  
Chavez, J.

## DIVISION TWO (continued)

B201943 People (Not for Publication)  
v.  
Johnson

The judgment is conditionally reversed, and the matter is remanded with the following directions. Following remand, and consistent with the views expressed in this opinion, the trial court is required to order further discovery as to Deputy Bates concerning item (4), illegal searches and seizures. It must also order discovery as to items (1), (2), (3), (4), (5), (6), (7), (8), and (13) as to Deputy Zollo. The trial court will then conduct an in camera inspection for the requested information from the personnel records of the deputies. If the trial court's inspection on remand reveals no relevant information, the trial court must reinstate the judgment in its entirety. If the inspection reveals relevant information, the trial court must order disclosure, allow appellant an opportunity to demonstrate prejudice, and order a new trial if there is a reasonable probability the outcome would have been different had the information originally been disclosed. In the absence of a showing of prejudice, the judgment should be reinstated. With respect to the failure to disclose complaint No. 119452 as to Deputy Bates, the trial court is directed to give appellant an opportunity to investigate to determine whether appellant has suffered any prejudice from the failure to disclose this complaint prior to trial. If there is a reasonable probability that the outcome would have been different had the information been disclosed, he is entitled to a new trial. In the absence of prejudice, the judgment shall be reinstated.

Ashmann-Gerst, J.

We concur:   Doi Todd, Acting P.J.  
                      Chavez, J.

July 15, 2009 (Continued)

DIVISION TWO (continued)

B212269      Douglas R. Ring, Inc., et al.      (Not for Publication)  
v.  
Marina Admiralty Company, et al.

The order is reversed. The Ring parties shall recover their costs on appeal

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                  Chavez, J.

B207230      Relova et al.      (Not for Publication)  
v.  
Barlin et al.

The order and judgment of the trial court are affirmed. Respondents are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                  Chavez, J.

DIVISION FIVE

B204850      Young Byoun et al.,      (Not for Publication)  
v.  
Guillermo Padilla et al

The judgment in favor of plaintiffs on the fraud cause of action, and the award [of] damages and punitive damages, is reversed. The judgment is in all other respects affirmed. Each party to bear his or her own costs on appeal.

Armstrong, Acting P.J.

We concur:    Mosk, J.  
                  Kriegler, J.

July 15, 2009 (Continued)

## DIVISION FIVE (continued)

B208193      People                                 (Not for Publication)  
v.  
Robert Lopez

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The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

B210821 James Crawford  
v.  
City of Los Angeles

Filed order denying petition for rehearing.

## DIVISION SIX

B214074      Child Protective Services    (Not for Publication)  
v.  
M.E.

The judgment (order terminating parental rights) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

## DIVISION SIX (continued)

B210197 People (Not for Publication)  
v.  
Schueler

The judgment and the restitution order are affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B206403      Hobson et al.,      (Not for Publication)  
v.  
Leavens et al.

The judgment and order awarding attorney's fees to respondents are affirmed. Respondents shall recover their costs on appeal.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

B214337      M.T., et al.      (Not for Publication)  
v.  
Santa Barbara County Superior Court  
Santa Barbara County Child Welfare Services

We deny the petitions for extraordinary writ.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.



## DIVISION SIX (continued)

B209350      People  
v.  
Cervantes

Filed order denying petition for rehearing.

B206598      Burnes  
v.  
Sugarman

Filed order denying petition for rehearing.

## DIVISION SEVEN

B210426 People (Not for Publication)  
v.  
D.L.

The juvenile court's true finding on the grand theft auto count is reversed. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.  
Jackson, J.

B211272      People      (Not for Publication)  
v.  
E.R.

The order is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Jackson, J.

July 15, 2009 (Continued)

## DIVISION SEVEN(continued)

B207061      People                          (Not for Publication)  
v.  
Jones

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The judgment is modified as follows: (1) to add two additional \$20 security fees under Penal Code section 1465.8 to the judgment, so that the total security fee defendant is obligated to pay is \$60; (2) to reflect an award of 1,101 days of actual custody credits; and to strike the parole revocation fine imposed by the court. The abstract of judgment is to be corrected to reflect these modifications and to reflect the trial court's order that the sentence on the conviction on count 2 is stayed under section 654. The cause is remanded to the superior court with directions to prepare a new abstract of judgment accordingly and to forward the new abstract to the corrections officials. As so modified, the judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B206640 Pamela Evans et al. (Not for Publication)  
v.  
Godfrey Ekeke

The appeal is dismissed. Respondents to recover costs on appeal.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

July 15, 2009 (Continued)

DIVISION SEVEN (continued)

B205732      Philadelphia Indemnity Insurance Company      (Not for Publication)  
v.  
Fire Insurance Exchange

The judgment is affirmed. Respondent is entitled to costs on appeal.

Woods, J.

We concur:    Perluss, P.J.  
                  Zelon, J.

DIVISION EIGHT

B207571      Deborah Dunn Yeager et al.,      (Certified for Publication)  
v.  
Blue Cross of California

The judgment is affirmed. Respondent Blue Cross to recover its costs on appeal.

Rubin, Acting P.J.

We concur:    Flier, J.  
                  Bigelow, J.